

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 90-0471-01 MHP

Plaintiff(s),

**ORDER REVOKING AND
REINSTATING SUPERVISED RELEASE
AND JUDGEMENT**

v.

RICKY PICKENS,

Defendant(s).

This matter came on pursuant to an Order to Show Cause why supervised release should not be revoked. Defendant appeared in person with his attorney Brian Getz. The United States was represented by Assistant United States Attorney Denise Marie Barton.

The defendant was advised of the following:

1. His right to a hearing on the alleged violations of supervised release;
2. His right to confront and cross-examine witnesses;
3. His right to produce evidence and witnesses at the hearing without cost to him if he could not afford the same;
4. His right to continue to have court appointed counsel represent him throughout the proceedings; and
5. The nature of the revocation proceedings and the consequences if a violation was found and supervised release revoked or modified.

The court finds that defendant was fully advised of his constitutional and statutory rights in connection with these proceedings either as a basis for modification or revocation; that he fully understands the nature of the proceeding and the defenses that he may assert in the proceeding; that he fully understands the consequences of the proceeding; and that he freely and voluntarily waives

1 his right to a hearing, his counsel consenting thereto.

2 The court finds that the defendant has admitted to the violations as alleged in the petition to
3 revoke and that such violations are sufficient cause to revoke supervised release.

4
5 Charge 1: Violation of Standard Condition Seven which states that defendant shall
6 refrain from excessive use of alcohol and shall not purchase, possess, use,
7 distribute or administer any narcotic or other controlled substance, in that on
8 November 10, November 30, 2009; December 2 and 4, 2009; January 22,
9 2010, defendant tested positive for marijuana and that on December 7, 18,
10 2009, defendant tested positive for both marijuana and cocaine; and cocaine
11 on October 19, 2009;

12 Charge 2: Violation of Special Condition Two which states that defendant shall
13 participate in alcohol and drug detection tests as required by the US Probation
14 Officer in that on October 7, 2009 and November 12 and 25, 2009, defendant
15 filed to report for testing.

16 Based on the foregoing,

17 IT IS ADJUDGED that Supervised Release is hereby REVOKED AND REINSTATED to
18 custody of Bureau of Prisons a term of 30 days; Immediately upon release, defendant shall report to
19 and reside at the Freedom from Alcohol and Drugs Program in San Francisco, CA., with all
20 previously ordered conditions of release to remain in full effect, with the addition of the following
21 conditions:

- 22 1. Defendant to refrain from the use of alcohol;
23 2. The defendant shall not be in the vicinity of 6th Street, San Francisco, CA, and other
24 areas known to be frequented by drug users and traffickers.

25 Dated: 2/22/2010

26 
27 MARLYN HALL PATEL
28 United States District Court